Petition

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NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1981

GORDON MCLEAN CAMPBELL,

PETITIONER,

V.

WASHINGTON STATE BAR ASSOCIATION,

RESPONDENT.

ON WRIT OF CERTIORARI TO THE UNITED STATES

COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

Gordon McLean Campbell

Petitioner

13325 Des Moines Way South

Seattle, Washington 98168

Best Copy Available

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PETITION FOR A WRIT OF CERTIORARI

The petitioner, Gordon McLean Campbell, prays that a writ of certiorari issue to review before judgment this proceeding now pending in the United States Court of Appeals for the Ninth Circuit.

QUESTIONS PRESENTED FOR REVIEW

1. Whether an alternative explanation for the movement of the air, specifying life as the cause (as distinguished from the usually given inanimate factors explanation, gravity, rotation of the earth, and temperature differences), thereby raising the possibility that the air is alive, an intelligent air form of life, God, that blows and moves by means of its own life and will, is so related to the national welfare as to require immediate national recognition, most Americans being unacquainted with the alternative explanation and it presenting the possibility that the air could voluntarily blow airplanes in flight down to earth, voluntarily blow over ships at sea, voluntarily deflect the path of war missiles, voluntarily blow smog out of congested areas, aid in the prevention of crime and the apprehension of criminals

as well as directly affecting almost every walk of daily life.

2. Whether a suit for damages against the Washington State Bar Association, a state agency, alleging that the state agency conducted a campaign of surveillance and intimidation, including the use of a forged or erroneous death certificate, in an attempt to undermine petitioner's efforts to obtain national recognition of the alternative life explanation for the movement of the air, thereby alleging that the state agency sabotaged the national welfare of the United States to which national welfare the alternative explanation is closely connected, presents issues of such public importance as to require that certiorari before judgment be granted in this case. See Ex parte Quirin, 317 U. S. 1, 97 L. Ed. 3, 63 S. Ct. 1 (1942) where a somewhat analagous sabotage situation was involved.

3. Whether the record in this case, when read in the light most favorable to petitioner and all reasonable inferences from the record drawn in petitioner's favor, as required on summary judgment petitioner being the party opposing summary judgment, presents a genuine issue of material fact on the question of whether respondent was involved in a campaign of surveillance and intimidation directed at hindering petitioner's efforts to secure national recognition of the life explanation for the movement of the air, thereby rendering erroneous the order of the District Court granting respondent's motion for summary judgment and dismissing petitioner's complaint.

4. Whether the record in this case presents a genuine issue of material fact on the question of whether John Kennett, one of the persons allegedly involved in the tortious conduct directed at petitioner,

was alive at the time of the alleged tortious conduct, respondent claiming he was dead at the time of said conduct and supporting this claim with an official death certificate for one John Kennett showing the date of death as being prior to the time of the alleged tortious conduct, petitioner contending the death certificate is either erroneous or forged since petitioner personally spoke to a man appearing to be John Kennett at least twice three years after the date of his alleged death.

SUBJECT INDEX

	Page
Questions Presented For Review.....	ii
Opinions Below.....	1
Jurisdiction.....	1
Constitutional Provisions, Statutes and Court Rules.....	1
Statement Of The Case.....	3
Reasons For Granting The Writ.....	32
1. Certiorari before judgment ought to be granted here because of the importance of the issues involved.....	32
2. The decision below conflicts with Adickes v. Kress & Co. (1970), 398 U. S. 144, 26 L. Ed. 2nd 142, 90 S. Ct. 1598; Poller v. Columbia Broadcasting System, Inc. (1962), 368 U. S. 464, 7 L. Ed. 2nd 458, 82 S. Ct. 486; and Scindia Steam Nav. Co., Ltd. v. De Los Santos (1961),	

SUBJECT INDEX

Page

68 L. Ed. 2nd 1, 101 S. Ct. 1614..... 39

3. It is a reasonable inference from the record that the tortious conduct was directed at hindering petitioner's exposition of the alternative life explanation for the movement of the air..... 41

4. It is a reasonable inference from the record that respondent was involved in the tortious conduct..... 42

5. It is a reasonable inference from the record that respondent experienced a psychological reaction resulting in the tortious conduct..... 47

6. It is a reasonable inference from the record that John

SUBJECT INDEX

Page

Kennett was alive during the 1966-1968 period..... 50

7. It is a reasonable inference from the record that respondent experienced a psychological reaction and that, in the course of this reaction, an erroneous death certificate for John Kennett was filed..... 53

Conclusion..... 55

Appendix

Order on Defendant's Motion for Summary Judgment..... A1

Judgment sought to be reviewed..... B1

Affidavit of Kurt M. Bulmer of July 25, 1980..... C1

Affidavit of Kurt M. Bulmer of October 23, 1980..... C6

Affidavit of Phillip Bruce Wilson... C8

Affidavit of Gordon McLean Campbell

SUBJECT INDEX

Page

of November 10, 1980..... D1

Affidavit of Gordon McLean Campbell of June 15, 1981..... D2

TABLE OF CASES

Adickes v. Kress & Co. (1970), 398 U. S. 144, 26 L. Ed. 2nd 142, 90 S. Ct. 1598..... 32, 39, 40, 46

Ex parte Quirin, 317 U. S. 1, 87 L. Ed. 3, 63 S. Ct. 1 (1942)..... iii, 37, 38

In Re Campbell, 74 Wn. 2d 276, 444 P. 2d 784, certiorari denied, 394 U. S. 323, 89 S. Ct. 1207, 22 L. Ed. 2d 310 (1969)..... 8

Poller v. Columbia Broadcasting System, Inc. (1962), 368 U. S. 464, 7 L. Ed. 2nd 458, 82 S. Ct. 486..... 10, 11, 39, 40

Scindia Steam Nav. Co., Ltd. v.

TABLE OF CASES

Page

De Las Santos (1981), 68 L. Ed. 2nd 1, 101 S. Ct. 1614..... 39, 41

United Mine Workers of America v. Pennington (1965), 381 U. S. 657, 14 L. Ed. 2nd 626, 85 S. Ct. 1585..... 45

United States v. Ballard (1944), 322 U. S. 78, 88 L. Ed. 1148, 64 S. Ct. 882..... 7, 10, 47, 48, 54

CONSTITUTIONAL PROVISIONS

1st Amendment, U. S. Constitution... 1, 3

14th Amendment, U. S. Constitution.. 1, 3

STATUTES

28 U. S. C. #1254(1)..... 1

28 U. S. C. #1343..... 5, 12

42 U. S. C. #1983..... 2, 3, 5, 12

COURT RULES

Rule 18, Revised Rules of the Supreme

COURT RULES

Page

Court of the United States..... 2, 32

OTHER AUTHORITY

Encyclopedia Americana 1979,
Meteorology, The General
Circulation, p. 721o..... 33

OPINIONS BELOW

No opinion was delivered in the courts below.

JURISDICTION

The judgment of the United States District Court, Western District of Washington in this proceeding was dated December 16, 1980 and was entered on that date. This Court's jurisdiction is invoked under 28 U. S. C. #1254(1).

CONSTITUTIONAL PROVISIONS, STATUTES AND COURT RULES

1st Amendment, United States Constitution.

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

14th Amendment, United States Constitution.

> "Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State

shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

42 U. S. C #1983
Civil action for deprivation of rights

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, priviledges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

Rule 18, Revised Rules of the Supreme Court of the United States
Certiorari to a federal court of appeals before judgment

"A petition for writ of certiorari to review a case pending in a federal court of appeals, before judgment is given in such court, will be granted only upon a showing that the case is of such imperative public importance as to justify the deviation from normal appellate practice and to require immediate settlement in this Court."

STATEMENT OF THE CASE

Petitioner sued in U. S. District Court for damages under 42 U. S. C. #1983 claiming that respondent had interfered with petitioner's exercise of his rights of freedom of religion and free speech under the 1st and 14th Amendments, U. S. Constitution.

Respondent filed a motion to dismiss the action for failing to state a claim upon which relief can be granted, supported by an affidavit and other papers.

Petitioner filed a statement in opposition to the motion to dismiss and an affidavit by petitioner, dated August 14, 1980.

On October 17, 1980, the District Court refused to dismiss the complaint. Instead, the court ordered that the motion be treated as one for summary judgment under Rule 56, Federal Rules of Civil Procedure, giving the parties 20 days to

file additional materials in support and in opposition to summary judgment.

Petitioner filed a statement in opposition to summary judgment. Respondent filed a statement in support of summary judgment and two affidavits.

Petitioner then filed a supplemental statement in opposition to summary judgment and an affidavit by petitioner. Respondent filed an addendum to respondent's statement in support of summary judgment, consisting of an official death certificate for one John Kennett, attorney.

By an order dated December 15, 1980, the District Court granted summary judgment and dismissed petitioner's complaint.

On January 9, 1981, petitioner filed a notice of appeal.

On March 2, 1981, petitioner filed the brief of appellant in the U. S. Court of Appeals for the Ninth Circuit.

On April 1, 1981, respondent filed the brief for appellee with the Court of Appeals.

On April 15, 1981, petitioner filed the reply brief for appellant with the Court of Appeals.

On April 27, 1981, the record on appeal was transmitted from the District Court to the Court of Appeals.

About June 16, 1981, petitioner filed a motion to advance case to an early hearing date, supported with an affidavit by petitioner, with the Court of Appeals.

The respondent filed a response to the motion.

On July 13, 1981, the Court of Appeals denied the motion.

Jurisdiction in the District Court was based upon 28 U. S. C. #1343 and 42 U. S. C. #1983.

Petitioner now seeks certiorari before judgment in this proceeding.

This case revolves about petitioner's discovery that the air possibly is alive, an intelligent air form of life, God, capable of oral speech, blowing and moving by means of inherent life and will. The discovery presents an alternative explanation for the movement of the air, life, as distinguised from the commonly given inanimate factors explanation, gravity, rotation of the earth and temperature differences. As an alternative explanation for the movement of the air, supported by the Bible and the fact that science is not certain what causes the air to move, the discovery is potentially highly valuable to petitioner because of its importance in meteorology as well as in other walks of life.

Petitioner has for some time been expounding his discovery about the air with the aim of achieving nationwide recognition of the possibility the air is

alive. Petitioner believes that, because of the nature of the discovery, it is vitally important to the welfare of the United States that the possibility that the air is alive, intelligent, God, with live movement, be nationally recognized.

In 1966, repondent began a proceeding to transfer petitioner to the inactive roll of attorneys, based upon petitioner's exposition of his discovery. Respondent contended that petitioner's discovery regarding the air was evidence that petitioner was mentally incompetent to practice law.

Petitioner supported his discovery with United States v. Ballard (1944), 322 U. S. 78, 88 L. Ed. 1148, 64 S. Ct. 882 in which it was held that the claim that Jesus Christ came down to earth and spoke to twentieth century humans was a valid religious belief and experience the validity of which governmental authorities

were forbidden to inquire into.

Petitioner had learned that the air possibly is alive and God when the voice of God spoke to petitioner in oral English words from out of the adjacent air.

Petitioner also supported his discovery with the Bible, numerous other U. S. Supreme Court cases involving religious liberty and meteorological data showing that science is not certain what causes the air to move, thereby making plausible the alternative explanation for the air's movement.

The Washington Supreme Court, in rendering its decision, totally excluded petitioner's discovery about the air from consideration, saying that the discovery was not within the competence of the Hearing Panel or the Washington Supreme Court. In Re Campbell, 74 Wn. 2d at 279, 444 P. 2d at 786.

Respondent, in its motion to dismiss,

denied that it was responsible for the surveillance and intimidation.

The motion to dismiss was treated as one for summary judgment. In its papers in support of summary judgment, respondent again denied that it was responsible for the surveillance and intimidation.

Respondent also attempted to refute petitioner's claim that John Kennett, a leading Seattle attorney, had apparently been employed by respondent to watch and intimidate petitioner, by filing a death certificate for one John Kennett, attorney, showing he died in 1964, before the time of the alleged surveillance and intimidation.

Respondent also attempted to refute petitioner's claim that one Phil Wilson, attorney, had taken part in the campaign of surveillance and intimidation by filing an affidavit of one Phillip Bruce Wilson, denying that he had taken part in such a campaign.

Petitioner contended that the death certificate for John Kennett could be erroneous or even a forgery since petitioner had personally spoken with a man, apparently John Kennett, in 1967. Petitioner cited the opinion of Justice Jackson in United States v. Ballard, supra, to show that, when an inquiry is made into the truth of religion (petitioner's discovery regarding the air being God is, of course, such an inquiry), psychological type reactions are likely to occur. Petitioner contended that an erroneous or forged death certificate could well be a manifestation of the profound psychological reaction alluded to be Justice Jackson.

In answer to respondent's affidavit of Phillip Bruce Wilson, petitioner pointed out that the simple answer might well be that two different Phil Wilsons were involved, one non-admitted to the bar.

> "Summary judgment should be entered only when the pleadings, depositions,

> affidavits, and admissions filed in the case 'show that (except as to the amount of damages) there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.' ....." Poller v. Columbia Broadcasting System, Inc. (1962), 368 U. S. 464, 7 L. Ed. 2nd 458, 82 S. Ct. 486 at 368 U. S. 467.

Thus, pursuant to this rule, presented for the trial court's consideration were the complaint, petitioner's affidavit of August 14, 1980 and his affidavit of November 10, 1980. Also presented were affidavit of Kurt M. Bulmer of July 23, 1980, affidavit of Kurt M. Bulmer of October 23, 1980 and the affidavit of Phillip Bruce Wilson of November 3, 1980. On these papers, the decision of the trial court must find its basis.

Petitioner contended that his complaint and affidavit of August 14, 1980 presented genuine issues of material fact, precluding the entry of summary judgment.

The complaint and affidavit are set forth immediately following:

Plaintiff's Complaint

Jury Demand

1. The action arises under the Acts of Sept. 3, 1957 and Dec. 29, 1979, 71 Stat. 637 and 93 Stat. 1284; U. S. C., Title 28, #1343 and under the Acts of April 20, 1871 and Dec. 29, 1979, 17 Stat. 13 and 93 Stat. 1284; U. S. C., Title 42, #1983, as hereinafter more fully appears. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

2. During the period from 1969 to present, defendant has conducted a campaign of surveillance and intimidation against plaintiff in the Seattle area, particularly in places of public accommodation, aimed at hindering and impeding plaintiff in his exercise of his rights of freedom of speech and freedom of religion regarding a discovery by plaintiff that the air possibly is alive, an intelligent air form of life,

God, blowing and moving by means of inherent life and will.

3. As a result, plaintiff was prevented from obtaining nationwide attention to his discovery about the air even though, if accepted, the discovery would represent one of the largest scientific advances in modern times, with potential profits to plaintiff of at least five million dollars.

Wherefore plaintiff demands judgment against defendant in the sum of five million dollars.

Dated this 11th day of July, 1980.

s/Gordon McLean Campbell
Gordon McLean Campbell

Affidavit of Gordon McLean Campbell

State of Washington)
) ss.
County of King)

Gordon McLean Campbell, being first duly sworn, on oath, deposes and says that he is the plaintiff in the above-entitled action. That the Statement In Support Of Defendant's Motion To Dismiss, filed herein,

page 4, and the Affidavit Of Kurt M. Bulmer, filed herein, page 3, state that no surveillance or intimidation of the plaintiff by defendant occurred during the period 1966-1968. That surveillance and intimidation did in fact occur during this period, apparently at the direction of defendant, contrary to the Statement of Defendant filed herein.

That during this period 1966-1968, John Kennett, a leading lawyer in the Seattle area for many years and who, on occasion served as special prosecutor in King County, drove a taxicab about the downtown Seattle streets. That plaintiff, at this same time, had reason to walk around the downtown area and a number of times observed Mr. Kennett driving the cab. That several times, while plaintiff was working in the King County Law Library, Mr. Kennett approached plaintiff speaking in a very loud voice "I am a lawyer, I am a lawyer!", until Mr. Kennett was finally told to be quiet by the law librarian.

Also, while plaintiff was typing some papers in the Law Library typing room, Mr. Kennett took a typewriter immediately adjacent to plaintiff and typed in unison with plaintiff, with the result tnat plaintiff was forced to type further papers elsewhere.

That Mr. Kennett gave plaintiff a business card carrying the designation "Mr. Dahlberg, Lawyer, Profontaine Building, Seattle". When plaintiff explained that he recognized the purported Mr. Dahlberg as being Mr. Kennett, Mr. Kennett half way admitted this was true.

That when plaintiff asked Mr. Kennett if he thought plaintiff's discovery that the air possibly is alive, an intelligent air form of life with live movement, is a potentially important discovery, Mr. Kennett replied "Yes, it is.".

That, on the basis of these facts, plaintiff concluded that the defendant had

hired Mr. Kennett to watch and intimidate plaintiff, since defendant was then conducting a proceeding to transfer plaintiff to the inactive roll of attorneys and only defendant and plaintiff knew of the proceeding.

That, during this same period, 1966-1968, one Katny O'Connor and a male friend moved into plaintiff's residence and lived in an apartment directly across the hall from plaintiff. That Miss O'Connor and friend sometimes would stand in the hall and silently watch plaintiff when he returned at night. That on one occasion plaintiff observed Miss O'Connor's friend talking near the apartment building with a member of the King County Prosecutor's staff.

That, when the final hearing was held in Olympia before the Washington Supreme Court regarding the transfer of plaintiff to the inactive roll, plaintiff saw Kathy

O'Connor's friend in the courtroom crowd.

That, since only plaintiff and defendant knew of the proceeding (other than plaintiff's mother), plaintiff concluded that Kathy O'Connor and friend had been employed by defendant to watch and intimidate plaintiff.

That during 1969-1970, plaintiff lived at another residence. That, during this period, a woman lived at plaintiff's new residence who worked in an insurance office two doors down the hall from the law firm of McCutcheon, Soderland in the Seattle First National Bank Building. This McCutcheon, Soderland was formerly Kennett, McCutcheon & Soderland of which John Kennett was a leading member. That this woman would often appear and remain in the lobby of plaintiff's residence when plaintiff was there.

During the period of 1971-1974, plaintiff publicly expounded his discovery

that the air possibly is alive about the downtown Seattle area. Plaintiff used signs and oral delivery to do this.

Within four of five days after this public exposition began, he was subjected to surveillance and intimidation. That plaintiff used the downtown Public Library to do research, paperwork etc. connected with the air discovery. Within four or five days after plaintiff began his public exposition (far removed from the Library), a Pinkerton Detective suddenly appeared in the Public Library, regularly patrolling it from top to bottom, carrying a billyclub. This was the first time plaintiff had ever seen a private detective working in the library, although plaintiff had frequently used the library since 1957.

That simultaneously with the appearance of the detective, two other new employees appeared in the section where

plaintiff worked. The two sometimes conferred with the Detective when plaintiff was present in the Library and often would go by the location downtown where plaintiff publicly expounded the air discovery.

That plaintiff felt that this was an effort to discredit plaintiff with the regular employees of the library as well as with other patrons of the library. That, since this surveillance and intimidation was in similar vein with the previous, plaintiff believed the defendant was the directing hand.

During this period, one man who would frequently stop and watch plaintiff's exposition of the air discovery moved into plaintiff's hotel residence. That said man would often be present in the lobby of the hotel when plaintiff returned at night. That not long after plaintiff moved into the hotel, the hotel ceased to operate.

That during this period (1971-1974), plaintiff lived at a rooming house on Belmont Street. While plaintiff lived there, several young men moved into the house. They would chant day and night in their rooms, which displeased the landlady. Plaintiff observed mail addressed to one of them in the foyer bearing the name Soriano. That there are several attorneys in Seattle with the name Soriano. That one of the other young men whose first name was Stephen caused the landlady much trouble. On one occasion, his bed was carried out upon the lawn. The landlady finally persuaded him to move when she helped him to find a new room. Later, plaintiff observed this same young man many times about the King County Law Library as well as Seattle. That he appears to be a Seattle attorney.

Plaintiff believes that these facts indicate an effort to discredit and intimidate plaintiff in his residence, thereby hindering his public exposition

of the air discovery which was then being conducted downtown. The similarity with previous such occurrences and the fact that attorneys were involved once again linked defendant with the surveillance and intimidation.

Shortly after plaintiff first began his public exposition in 1971, Margaret Sagar (married name unknown), whom plaintiff had last seen in 1941 or 1942, appeared about the downtown Seattle area. That plaintiff would now see Margaret Sagar, an old-time acquaintance of plaintiff, about the downtown coffee shops, the public library, even the laundromat.

During this period, plaintiff used the G. O. Guy drugstore, 3rd and Union, and the Rexall drugstore, 4th and Pine, to take breaks from his public exposition work. That one Eileen came to work as a waitress at Guy's, having previously worked at the Kennedy Hotel. The Kennedy Hotel is one block from the offices of

defendant.

That Eileen's husband had an artificial leg. That he would frequently appear in Guy's and Rexall when plaintiff was there. That he became very friendly with the waitresses. That, during wintery weather when plaintiff for a time ceased his exposition work and was out to the State Employment Office inquiring about employment, Eileen's husband often would be present when plaintiff was there. Margaret Sagar also appeared at the State Employment Office.

That, during this period, one man who would go by plaintiff's public exposition location each day, stopping to ask plaintiff to "invite Jesus into his heart", though he knew plaintiff was expounding a religious type discovery, also moved into plaintiff's Belmont Street rooming house residence.

That these events appeared to plaintiff to be part of the general scheme of surveillance.

That, during this period (1971-1974), where there had been none when plaintiff began his exposition, a flood of pretzel wagons appeared downtown. At one time, almost every downtown street corner (shopping district) was occupied so that it was difficult for plaintiff to find a place to carry on his exposition. When plaintiff ceased his exposition in 1974, most of the pretzel wagons disappeared from the downtown area.

During the period 1975-1977, plaintiff lived at an apartment house. During this period, a man and woman moved into the apartment below plaintiff. They would pound on the plumbing fixtures all night and steadily flush the toilet for hours. After the manager had evicted one noisy tenant who had been disturbing plaintiff, a fire started across the hall from the manager's apartment and burned out the manager's apartment.

That during this period, a man who

had lived down the hall from plaintiff in the Belmont Street rooming house opened a small business one block from plaintiff's new address. He would appear around the area in long flowing robes.

That plaintiff observed one Mr. Gaffney, a Seattle attorney who used to stop and talk to plaintiff when he was publicly expounding the air discovery, in an apartment house two blocks away from plaintiff's apartment house.

That, during this period, while plaintiff was attempting to use the laundromat at Belmont and E. Howell (which he had used for many years), a young lady appeared from across the street brandishing a set of keys and tried to lock plaintiff out of the laundromat. Though plaintiff managed to complete his wash, the next time he appeared at his regular time, the laundromat was locked and thereafter plaintiff was forced to wash elsewhere. This laundro-

mat is about one block from the Belmont Street rooming house previously referred to.

That, for a time, when plaintiff would leave for work in the morning, plaintiff observed a member of the King County Prosecutor's Office standing at the entrance of an apartment house not far from where plaintiff lived.

That, during this period, Mr. Phil Wilson, attorney and insurance man and close friend of John Harris, former Seattle Corporation Counsel, would be waiting to meet plaintiff near his residence when plaintiff returned home at night. Mr. Wilson, during the time plaintiff was publicly expounding the air discovery, would frequently stop by and talk to plaintiff about the air discovery.

That during the 1975-1977 period, plaintiff patronized Andy's Restaurant on Broadway. There, the subject of the air discovery was frequently discussed. That

several persons, including one Jim Cordova, would regularly be present when plaintiff was there. Plaintiff had patronized Andy's Restaurant since 1961. That plaintiff observed what appeared to be unusual changes of waitresses and one of the waitresses went to work in the Seattle Public Library where the plaintiff worked on the air discovery and did research.

During this period, while plaintiff was signing up a petition regarding guaranteed employment in downtown Seattle, plaintiff sometimes used the Dutch Oven Restaurant, 3rd and Union, for breaks. One man would frequently be there when plaintiff was there, sometimes wearing ornate gowns and discoursing at length about Bible and other matters. Plaintiff observed him frequently in the area where plaintiff was signing the petition.

Another man, whose mother is a Seattle attorney, also would frequently be in the Dutch Oven Restaurant when plaintiff was

there and for a time worked in the cigar store next door to the restaurant. He had also worked in the McGovern-Schriver campaign office in October and November 1972, in front of which office plaintiff was then expounding the air discovery.

During the period of 1978-1980, plaintiff did much work regarding the air discovery in the Seattle Public Library, 4th and Spring Streets. That the patrolling of the library by the private detective continued during this period as it had since 1971. That frequently the escalator in the library would be stopped when plaintiff was there. That, though plaintiff had frequently used the library since 1957, this was the first time plaintiff had ever observed the escalator stopped.

That during this period a man and his female friend would frequently be in the section where plaintiff worked when plaintiff was there. The woman went to work in an adjacent section for a short while.

During this period, one Charlie Charms would also frequently be present in the section where plaintiff worked, usually talking with the employees of the section.

That one woman, who had gone by plaintiff's public exposition location during the 1971-1974 period, would very often be present in the library when plaintiff was there. She would also often be present when plaintiff patronized the Herfy Restaurant in the University District. It seemed that she knew plaintiff's timetable.

The man who had gone by plaintiff's exposition location in 1972 each day for a time and who had moved into plaintiff's Belmont Street rooming house also was often in Herfy's when plaintiff was there and sometimes was in the public library when plaintiff was there.

That one of the men who usually were in Andy's Restaurant when plaintiff was there frequently was in the public library when plaintiff was there. He too seemed

to know plaintiff's timetable.

Another man, who had gone by plaintiff's public exposition location during the 1971-1974 period, almost invariably would be in Herfy's when plaintiff was there.

During the 1978-1980 period, Margaret Sagar, previously referred to, worked in the Municipal Building, Seattle, where plaintiff often worked on the air discovery.

During the 1978-1980 period, plaintiff changed from Andy's Restaurant to Winchell Donut House on Broadway for breaks. Almost immediately, Jim Cordova, who usually was present in Andy's Restaurant when plaintiff was there, appeared about the Winchell Donut House when plaintiff was there. He talked much with the operators of the donut house. Within a short time, the management of the Winchell Donut House changed a couple of times.

During the 1978-1980 period, plaintiff patronized the Copper Kitchen Restaurant, Westlake and Olive Streets, Seattle.

One of the waitresses who worked at the Copper Kitchen had moved into plaintiff's residence about 1975. The man who was frequently in the Dutch Oven Restaurant when plaintiff was there (sometimes wearing ornate robes, etc.) also appeared in the Copper Kitchen.

The subject of the air discovery was often discussed at the Copper Kitchen. At one time, plaintiff observed attorney Gaffney, previously referred to, working in the kitchen of the Copper Kitchen as a cook. Jim Cordova also appeared in the Copper Kitchen.

Unusual changes in waitress and waiter personnel occurred as well as in the kitchen. At one time, three of the waitresses produced small pocket Bibles and compared editions although one said that she did not know who the Pope was although the newspapers at the time were filled with stories of the new Catholic Pope taking office.

That the foregoing are some but not

all of the acts of surveillance and intimidation which occurred during the period from 1966-1980. That the foregoing acts show a general and common scheme or plan of surveillance and intimidation, relating to plaintiff's discovery that the air possibly is alive, an intelligent air form of life, God, blowing and moving by means of innerent life and will. That the facts indicate that the defendant is responsible for the surveillance and intimidation.

s/Gordon McLean Campbell

Subscribed and sworn to before me this 14th day of August, 1980.

s/Jeanne B. Mortenson
Notary Public in and for
Seal the State of Washington,
residing at Seattle.

Generally, in the trial court, petitioner contended that his affidavit of August 14, 1980 presented a number of genuine issues of material fact, barring summary judgment.

Petitioner also contended that the conflict in testimony and evidence concerning the death of John Kennett presented a genuine issue of material fact.

Further, petitioner argued, under the holding of Adickes v. Kress & Co. (1970), 398 U. S. 144, 26 L. Ed. 2nd 142, 90 S. Ct. 1598, since first hand knowledge of respondent's involvement in the surveillance and intimidation was in the hands of adverse witnesses, petitioner's first hand knowledge testimony of facts circumstantially linking respondent to the surveillance and intimidation was sufficient to take the case to the jury, avoiding summary judgment.

REASONS FOR GRANTING THE WRIT

1. Certiorari before judgment is here sought pursuant to Rule 19, Revised Rules of the Supreme Court of the United States. This rule states that certiorari is granted here when public issues of great importance are involved requiring immediate settlement.

Petitioner contends that an alternative life explanation of the movement of the air is such an issue. He believes that the discovery is possibly the biggest since Columbus.

Science is not certain what causes the air to move.

> "But we can gain some comfort from our ignorance about the mechanics of the general circulation; when we understand the mechanics better we may find ways....." Encyclopedia Americana 1979, Meteorology, The General Circulation, p. 721o.

Most scientific texts on the subject of what causes the air to move set forth only the inanimate factors explanation without mentioning the alternative life possibility.

Thus, the alternative life explanation is almost unknown in the United States.

The alternative explanation is important because it has many ramifications. The alternative explanation leads to an identification of the air as being God.

Humans for ages have tried to identify the exact substance of God. An idea that offers to do this is certainly a discovery of monumental importance.

The question "What causes the air to move?" is of prime importance in the fields of aviation, navigation, missiles and air pollution. Airplanes, ships, missiles and smog are subject to air currents.

An intelligent air form of life could, if it chose, voluntarily blow airplanes in the sky down to earth, voluntarily blow over ships at sea, voluntarily affect the path of missiles and voluntarily blow smog out of congested areas.

The alternative explanation is of great importance in the criminal justice field. It offers a tangible clue, the movement of the air, as a notification to potential criminals that the intelligent air might aid in their apprehension if crime is attempted. Such an idea could act as a

great deterrent to crime in the United States.

Here, it is relevant to note that many of the nation's police departments are using psychics to aid in locating missing persons and bodies. See Appendix D, p. D4.

The alternative explanation is important in the ESP (Extra-Sensory Perception) field, explaining how thought communication possibly exists between humans.

These are but a few illustrations of the impact of the alternative explanation. The alternative explanation, in fact, would directly affect almost every walk of daily life. Thus, the great importance of the alternative explanation is seen.

As noted earlier, the alternative life explanation for the movement of the air is almost unknown in the United States. It is therefore clear that the national welfare requires that the alternative explanation be brought to the attention of the nation.

This is shown in the case of the builders of airplanes, ships and missiles. These builders, in constructing airplanes, ships and missiles, assume that the air's movement proceeds from inanimate causes and therefore do not safeguard against the alternative life possibility.

Since passenger safety in the case of airplanes and ships and national safety in the case of missiles are of first importance in the United States, it is apparent that national recognition of the alternative life explanation is a matter of utmost urgency.

Petitioner, for some time past, has been attempting to obtain this national recognition. The present suit arises from his efforts to do so.

The present suit is one for damages against respondent, a state agency, for interference with petitioner's attempts to obtain this national recognition.

Petitioner contends that a suit against a state agency alleging that the state agency used surveillance and intimidation, including the use of a forged or erroneous death certificate, to prevent petitioner from gaining nationwide attention to the alternative life explanation for the movement of the air presents issues of such public importance as to require that certiorari before judgment be granted in this case.

See here Ex Parte Quirin (1942), 317 U. S. 1, 87 L. Ed. 3, 63 S. Ct. 1, a case involving German saboteurs who were secretly landed during World War II by submarine on the east coast of the U. S. with explosives and equipment designed to enable them to blow up our defense installations. Because of the importance of the issues involved, certiorari before judgment was granted.

Petitioner contends that the present

case is analagous. Here a state agency is alleged to have attempted to sabotage a great new discovery, closely connected to the safety of our airplanes (including warplanes), ships (including warships), and missiles, as well as to the general national welfare.

Some of the alleged sabotage occurred during the Vietnam War.

In Ex Parte Quirin, supra, the sabotage consisted of explosives designed to blow up defense installations.

Here, the sabotage consisted of secretive efforts to undermine the safety of defense installations by preventing these installations access to vitally relevant information. The sabotage also consisted of preventing the nation generally access to this information.

Accordingly, petitioner contends that the present case involves public issues of great importance requiring immediate

settlement and that, therefore, certiorari before judgment ought to be granted.

2. Petitioner contends that the decision of the U. S. District Court herein, granting summary judgment, conflicted with the holdings in Adickes v. Kress & Co. (1970), 398 U. S. 144, 26 L. Ed. 2nd 142, 90 S. Ct. 1598; Poller v. Columbia Broadcasting System, Inc. (1962), 368 U. S. 464, 7 L. Ed. 2nd 458, 82 S. Ct. 486; and Scindia Steam Nav. Co., Ltd. v. De Los Santos (1981), 68 L. Ed. 2nd I, 101 S. Ct. 1614.

In Poller v. Columbia Broadcasting System, Inc., supra, at 368 U. S. 467, it was said:

> "Summary judgment should be entered only when the pleadings, depositions, affidavits, and admissions filed in the case 'show that (except as to the amount of damages) there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.' Rule 56 (c), Fed. Rules of Civ. Proc. This rule authorizes summary judgment 'only where the moving party is entitled to judgment as a matter of law, where it is quite clear what the truth is, ...(and

where) no genuine issue remains for trial...(for) the purpose of the rule is not to cut litigants off from their right of trial by jury if they really have issues to try.'"

At 368 U. S. 473, the Court continues:

"We look at the record on summary judgment in the light most favorable to Poller, the party opposing the motion, and conclude here that it should not have been granted. We believe that summary judgment procedures should be used sparingly in complex antitrust litigation where motive and intent play leading roles, the proof is largely in the hands of the alleged conspirators, and hostile witnesses thicken the plot. It is only when the witnesses are present and subject to cross-examination that their credibility and the weight to be given their testimony can be appraised. Trial by affidavit is no substitute for trial by jury which so long has been the hallmark of 'evenhanded justice'."

In Adickes v. Kress & Co., supra, at 398 U. S. 157, the court said:

"As the moving party, respondent had the burden of showing the absence of a genuine issue as to any material fact, and for these purposes the material it lodged must be viewed in the light most favorable to the opposing party."

At 398 U. S. 158, the Court continues:

"Because '(o)n summary judgment the

> inferences to be drawn from the underlying facts contained in (the moving party's) materials must be viewed in the light most favorable to the party opposing the motion,'....."

Scindia Steam Nav. Co., Ltd. v. De Los Santos, supra, is to the same effect. In Scindia, a very recent case arising in the same U. S. District Court from which the present case arises, it was held that summary judgment had been improperly entered. It was held that a disputed issue of fact did exist which the District Court should not itself have resolved.

Here, petitioner contends that the complaint and affidavits herein present genuine issues of material fact which, as in Scindia, the District Court should not itself have resolved.

3. Petitioner contends that it is a reasonable inference from the facts set forth in petitioner's affidavit of August 14, 1980, which affidavit is uncontradicted except as to the issues of whether respond-

ent is responsible for the acts set forth therein and as to whether John Kennett is alive or not, that the acts of surveillance and intimidation set forth therein were directed at hindering petitioner's exposition of the alternative explanation for the movement of the air. This is true because the acts were done concurrently with the exposition.

The acts were therefore a violation of petitioner's rights of free speech and freedom of religion.

4. Petitioner contends that it is a reasonable inference from petitioner's affidavit of August 14, 1980 that respondent was involved in the acts of surveillance and intimidation listed in the affidavit.

This is true because the acts first listed in petitioner's affidavit concurred with the commencement of the proceeding by respondent to transfer petitioner to the inactive roll of attorneys.

The fact that the campaign was initially carried on by a person appearing to be John Kennett, a leading Seattle attorney and sometime special prosecutor in King County, and carried on in part in the King County Law Library where petitioner was briefing the proceeding against him, indicates that Mr. Kennett was possibly employed by respondent in connection with the proceeding then being conducted against petitioner.

On summary judgment, this reasonable inference regarding the ostensible John Kennett and respondent is required to be drawn in petitioner's favor. Therefore, a genuine issue of material fact on this question is presented.

The actions of Kathy O'Connor and her friend in petitioner's residence and at the final hearing of the proceeding in Olympia, concurring with the proceeding by respondent against petitioner, indicates that they were possibly used by respondent

pursuant to the proceeding.

This reasonable inference is again required to be drawn in petitioner's favor, thereby raising a genuine issue of material fact on this question.

The actions of the lady in petitioner's next residence who worked in an office two doors down the hall from the former law firm of John Kennett, occurring just after the end of the proceeding against petitioner, again indicates that this lady was involved with respondent in connection with the proceeding.

This reasonable inference is required to be drawn in petitioner's favor, creating another genuine issue of material fact.

The acts of surveillance and intimidation, occurring from 1968-1980, set forth in petitioner's affidavit of August 14, 1980, are of a similar nature to those acts occurring during the period 1966-1968, the time during which respondent conducted

the proceeding against petitioner.

The acts take place in petitioner's residence as well as in other places of public accommodation, restaurants, libraries and laundromats. Attorneys frequently appear as important actors in the surveillance and intimidation..

A reasonable inference from the acts occurring from 1966-1980 is that they were part of a common scheme or plan aimed at hindering petitioner in his exposition of the alternative life explanation. This inference is required to be drawn in petitioner's favor on summary judgment. Therefore, a genuine issue of material fact is presented.

Testimony of prior or subsequent transactions, which for some reason are barred from forming the basis for suit, may nevertheless be introduced if it tends reasonably to show purpose and character of particular transactions under scrutiny. United Mine Workers of America v. Pennington (1965), 381 U. S. 657, 14 L. Ed. 2nd 626,

85 S. Ct. 1585.

Petitioner contends that it is a reasonable inference to be drawn from the acts testified to by petitioner occurring during the period 1968-1980 that respondent was involved in these acts of surveillance and intimidation, since said acts are of a similar nature to those occurring during the proceeding, the 1966-1968 period. As shown earlier, it is a reasonable inference that respondent was involved in the acts of the 1966-1968 period.

When these inferences are drawn in petitioner's favor, as required, a genuine issue of material fact is presented on the question of whether respondent was involved in the acts of surveillance and intimidation during the 1968-1980 period.

Though petitioner did not have first hand knowledge of respondent's involvement, under the holding of Adickes v. Kress & Co., supra, circumstantial evidence of the

involvement is sufficient to raise a genuine issue of material fact on the question of involvement, since first hand knowledge of the involvement could only come from adverse witnesses, the persons actually engaged in the acts of surveillance and intimidation.

Therefore, petitioner contends, the record in this case presents a genuine issue of material fact on the question of whether respondent was involved in the acts of surveillance and intimidation occurring during the period from 1966-1980.

5. Petitioner contends that a reasonable inference from the unusual nature of the discovery which petitioner was expounding is that respondent, upon encountering the discovery, experienced a psychological reaction and became involved in a carpaign of surveillance and intimidation directed at petitioner's discovery.

In United States v. Ballard, supra, Justice Jackson, in a dissent in which he

proposed giving the Ballards more complete relief than they received at that particular time, said:

> "In the second place, any inquiry into intellectual honesty in religion raises profound psychological problems." 322 U. S. at 93.

Here, petitioner's discovery that the air possibly is alive, an intelligent air form of life, God, capable of oral speech and with live movement, involves an inquiry into the truth of religion.

Petitioner contends that it is a reasonable inference from the nature of the discovery petitioner was expounding that psychological reactions might result from the exposition, as suggested by Justice Jackson.

As shown earlier, the alternative life explanation for the movement of the air develops the further possibility that an intelligent air form of life could, if it chose, voluntarily blow airplanes in the

sky down to earth, voluntarily blow over ships at sea, voluntarily deflect the path of missiles, voluntarily blow smog from congested areas and aid in the prevention of crime. The possibility would touch every walk of daily life.

Thus, the idea of voluntary movement of the air might conceivably produce psychological reactions in some people.

Petitioner contends that respondent, faced with the alternative explanation, experienced a profound psychological reaction of the type alluded to by Justice Jackson. The result was the campaign of surveillance and intimidation directed at petitioner's exposition of the discovery.

History, of course, is replete with examples of religious persecutions and religious wars.

On summary judgment, all reasonable inferences from the alternative explanation must be drawn in petitioner's favor,

including inferences as to results possibly accruing to our society from acknowledgment of the alternative explanation.

When these inferences are so drawn, petitioner contends, a genuine issue of material fact is presented on the question of whether respondent, upon encountering the alternative life explanation, experienced a psychological reaction and then engaged in a campaign of surveillance and intimidation of petitioner's exposition of the alternative explanation.

6. Petitioner contends that a reasonable inference from the record is that John Kennett was alive during the period 1966-1968 and a participant in the acts of surveillance and intimidation testified to by petitioner, notwithstanding respondent has filed a death certificate for one John Kennett showing date of death as 1964. See affidavit of Kurt M. Dulmer of October 23, 1980, Appendix C, p. C6, C7.

Petitioner testified that a man appearing to be John Kennett, a leading lawyer in the Seattle area for many years who on occasion served as special prosecutor in King County, drove a taxicab about the downtown Seattle streets during the period 1966-1968. Petitioner, during this period, had reason to walk around the downtown area and several times observed Mr. Kennett driving the cab. Petitioner's affidavit of August 14, 1980.

Several times, while petitioner was working in the King County Law Library, Mr. Kennett approached petitioner speaking in a very loud voice "I am a lawyer, I am a lawyer!" until he was finally told to be quiet by the law librarian.

Petitioner testified that, while he was typing papers in the Law Library typing rooms, Mr. Kennett took a typewriter immediately adjacent to petitioner and typed in unison with petitioner with the

result that petitioner was forced to type further papers elsewhere.

Petitioner further testified that the ostensible Mr. Kennett gave petitioner a business card carrying the designation "Mr. Dahlberg, Lawyer, Prefontaine Building, Seattle". When petitioner explained that he recognized the man as being John Kennett, the man halfway admitted he was John Kennett. Petitioner's affidavit of August 14, 1980.

Petitioner testified that the man appeared to be John Kennett. A reasonable inference from this testimony, required to be drawn in petitioner's favor on summary judgment, is that the man looked like John Kennett in physical appearance and possessed a voice like that of John Kennett, who was a leading Seattle lawyer.

The man claimed to be a lawyer and John Kennett was a lawyer, another similarity.

Petitioner contends that a reasonable

inference from this testimony is that this man, who looked and talked like John Kennett and who, like John Kennett, purported to be a lawyer, and who then apparently was engaged in surveillance and intimidation of petitioner, was in fact John Kennett since John Kennett sometimes acted as special prosecutor in King County in important cases and petitioner's discovery of an alternative life explanation for the movement of the air was possibly the biggest discovery since Columbus.

On summary judgment, this reasonable inference must be drawn in petitioner's favor. Therefore, petitioner contends, a genuine issue of material fact is presented on the question of whether John Kennett was alive during the period 1966-1968.

7. Petitioner contends that it is a reasonable inference from the record in this case that respondent, upon encountering the alternative life explanation, experienced

a psychological reaction of the type alluded to by Justice Jackson in United States v. Ballard, supra, and that, in the course of this reaction, an erroneous death certificate for John Kennett was filed showing his death date as being 1964 notwithstanding he was actually alive during the 1966-1968 period.

Petitioner testified that a man who appeared to be John Kennett engaged in a campaign of surveillance and intimidation of petitioner during the 1966-1968 period, evidently directed at petitioner's exposition of the alternative explanation. Petitioner's affidavit of August 14, 1980.

Respondent has filed a death certificate for one John Kennett showing the death date as being 1964. Affidavit of Kurt M. Bulmer of October 23, 1980, Appendix C, pp. C6, C7.

Thus, petitioner contends, it is a reasonable inference from the record that

an erroneous death certificate for John Kennett was filed by respondent.

On summary judgment, this reasonable inference must be drawn in petitioner's favor. Accordingly, a genuine issue of material fact is presented on the question of whether the death certificate is erroneous.

8. The affidavit of Gordon McLean Campbell of November 10, 1980 is set forth in Appendix D.

The affidavits of Kurt W. Bulmer of July 25, 1980 and October 23, 1980 and the affidavit of Phillip Bruce Wilson of November 3, 1980 are set forth in Appendix C.

CONCLUSION

Because of the foregoing reasons, a writ of certiorari should issue to review before judgment this proceeding now pending in the United States Court of Appeals for the Ninth Circuit.

Gordon McLean Campbell

Petitioner

APPENDIX A

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

Gordon M. Campbell, Plaintiff, v. Washington State Bar Association, Defendant.	C80-772S Order on Defendant's Motion for Summary Judgment

By an Order dated October 17, 1980, the Court declared its intention to treat defendant's Motion to Dismiss as one brought under Rule 56, Fed. R. Civ. P. Both parties were granted leave to file supplemental pleadings, and both have done so.

THIS CAUSE now comes before the Court on defendant's Motion for Summary Judgment. After reviewing the Motion, memoranda, and other pleadings herein, and being fully advised, the Court rules as follows:

The Complaint in this case was filed on July 11, 1980. It purports to state causes of action under 28 U. S. C. #1343 and 42 U. S. C. #1983. Mr. Campbell claims that from 1969 to the present, he has been subjected to a "campaign of surveillance and intimidation" by agents of the Washington State Bar Association. In particular, plaintiff contends he was hindered from expounding and marketing his alleged discovery that:

> ...the air possibly is alive, an intelligent air form of life, God, blowing and moving (p. 1, Order) by means of innerent life and will.

Complaint, pp. 1-2.

To support his claim, plaintiff relies entirely upon the facts alleged in his sworn affidavits. He alleges that from 1966-to 1968, he was harassed by a Seattle lawyer named John Kennett. Plaintiff quotes

Mr. Kennett as agreeing that Campbell's discovery about air was "potentially important". Affidavit of Gordon McLean Campbell, filed August 14, 1980, at p. 2. From this, plaintiff "concluded that defendant had hired Mr. Kennett to watch and intimidate plaintiff...." Id., at p. 2. Mr. Campbell further asserts that another attorney, "Mr. Phil Wilson," would wait for him when he returned home at night. Id., at p. 8. Various other persons are mentioned as participants in the alleged surveillance. From such clues as their presence in a certain courtroom or their known association with certain attorneys, Mr. Campbell "concludes" that they were hired by the Bar Association. Plaintiff emphasizes, for example, the sudden appearance of a detective at his place of work (Id., at p. 4) and his being locked out of his usual laundromat (Id., at pp. 7-8). Furthermore, Mr. Campbell claims he was

virtually precluded from expounding his discovery at street corners by a mysterious "flood of pretzel wagons" which suddenly appeared in downtown Seattle. (Id., at p. 7). Other incidents are mentioned, and in every case, the alleged link with defendant is based entirely on Mr. Campbell's subjective inference.

The appropriate standard for summary judgment under Rule 56 is set forth in British Airways Board v. Boeing Company, 585 F. 2d 946, 950-51 (9th Cir. 1978), cert. denied, 99 S. Ct. 1790, reh. denied, 99 S. Ct. 2420 (1979). Under those rules, the moving party bears an initial burden of showing the absence of genuine material factual issues. Here, (p. 2, Order) defendant can meet this burden by presenting evidence which, if uncontradicted, would entitle it to a directed verdict at trial.

Defendant begins by documenting its past contacts with Mr. Campbell. In 1968,

acting partly on defendant's recommendation, the Washington State Supreme Court ordered plaintiff's transfer to the inactive roll of attorneys upon a finding that Mr. Campbell was not mentally competent to practice law. See In re Campbell, 74 Wn. 2d 276, 444 P. 2d 784 (1968), cert. denied sub nom. Campbell v. Washington State Bar Association, 394 U. S. 323 (1969). In 1979, plaintiff's petition for reinstatement to active practice was denied because plaintiff failed to address Mr. Campbell's competence to practice law. See Exhibits 5 & 6 to Affidavit of Kurt M. Bulmer, filed July 28, 1980.

Further evidence is offered through the sworn affidavits of Kurt Bulmer, defendant's general counsel and custodian of the Bar Association's disciplinary records:

> The disciplinary files show that the Washington State Bar Association had no further contact of any kind with Campbell after the date of In re Campbell (1968) until 1979, when plaintiff petitioned for reinstatement to active practice.

Affidavit of Kurt M. Bulmer, filed July 28, 1980, at p. 2. Mr. Bulmer testifies from his knowledge as the official charged with "responsibility for all disciplinary investigations conducted by the Bar Association." Affidavit of Kurt M. Bulmer, filed November 6, 1980, at p. 1:

> The Washington State Bar Association has never hired or directed any person, including private attorneys or detectives, to conduct any type of surveillance or intimidation of plaintiff.

Id., at p. 2. Mr. Bulmer specifically addresses plaintiff's allegations regarding a lawyer named "Phil Wilson": (p. 3, Order)

> The records of the Bar Association list P. Bruce Wilson as the only member of the Bar Association either living or deceased, who has the name Phil Wilson. Defendant has never hired or directed P. Bruce Wilson to watch plaintiff for any purpose.

Id., at p. 2. This later statement is confirmed by the Affidavit of Phillip Bruce Wilson, filed November 6, 1980.

Defendant also offers solid evidence to refute plaintiff's assertion of

harassment by John Kennett from 1966 to 1968. The Bar Association submits a certified death certificate to establish that Mr. Kennett died in October, 1964. See Addendum to Defendant's Statement in Support of Motion for Summary Judgment, filed November 10, 1980.

Defendant has detailed by affidavit its contacts with Mr. Campbell during the period in question. Bar Association records confirm defendant's assertion that no other contacts were made. Specific evidence is offered to refute the claims of harassment by John Kennett and "Mr. Phil Wilson". And by plaintiff's own admission, defendant's complicity in these circumstances is an allegation entirely based on Mr. Campbell's inferential conclusions. If this were the record at trial, defendant would be entitled to a directed verdict. It follows that defendant has satisfied its initial burden of proof under British

Airways Board, supra. The following standards therefore apply:

> ...if the movant satisfies the initial burden, then the burden shifts to the opponent to come forward with specific facts showing that there remains a genuine issue for trial. ...The opponent must present these facts in evidentiary form; he cannot rest on his pleadings. (citing cases) Moreover, the evidence he offers in opposition to the motion for summary judgment must be "significantly probative" as to any fact claimed to be disputed. (citing cases)

SEC v. Murphy, 626 F. 2d 633, 640 (9th Cir. 1980). Mere conclusory allegations are insufficient to defeat the Motion for (p. 4, Order) Summary Judgment. See, e. g., Vaughnn v. Teledyne, Inc., 628 F. 2d 1214, 1220 (9th Cir. 1980).

Plaintiff responds in his Supplemental Statement in Opposition to Summary Judgment, filed November 10, 1980. First, he contends that John Kennett's death certificate would be inadmissible at trial on grounds of hearsay. That document, however, would clearly be admissible under Rule 803(9),

Fed. R. Evid. Plaintiff contends that his own sworn testimony of subsequent contacts with Mr. Kennett is sufficient to raise a genuine issue as to the death certificate's accuracy. He suggests there may have been an impostor. He also speculates that there might have been another lawyer named "Phil Wilson".

Plaintiff offers no evidence whatsoever for his theories of mistaken or double identity. Nor does he adequately identify most of the persons who allegedly acted as agents of the Bar Association. Even more critically, he fails to offer any "significantly probative" evidence to link his alleged experiences with actions of the Bar Association. The mere circumstantial involvement of lawyers cannot justify an inference that they acted as Bar Association agents. Having failed to offer any evidence on this critical issue (other than plaintiff's own speculation

and unsupported inferences), the Complaint cannot survive the Motion for Summary Judgment. It might also be noted that plaintiff's claim for damages (up to $5 million) is entirely without evidentiary support.

By this ruling, the Court does not question plaintiff's constitutional right to freedom of expression. Nor does the Court purport to make any judgment on the truth of Mr. Campbell's beliefs respecting the nature of air. However, plaintiff may not resist a properly supported Summary Judgment Motion when he fails to provide any evidence to connect the (p. 5, Order) alleged wrongful activities with the named defendant.

Defendant's Motion for Summary Judgment is accordingly GRANTED.

IT IS SO ORDERED.

The Clerk is directed to enter Judgment dismissing plaintiff's causes of action in

their entirety.

The Clerk is further directed to send uncertified copies of this Order to plaintiff and defendant's counsel of record.

DATED at Seattle, Washington, this 15th day of December, 1980.

s/ Barbara J. Rothstein
UNITED STATES DISTRICT JUDGE

(p. 6, Order)

Entered on December 16, 1980.

APPENDIX B

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

Gordon M. Campbell, Plaintiff, vs. Washington State Bar Association, Defendant.	)	No. C80-772 SR JUDGMENT

This matter having come on for consideration before the Court, Honorable Barbara J. Rothstein, presiding, and the issues having been duly considered and a decision having been duly rendered.

IT IS HEREBY ORDERED AND ADJUDGED that Defendant's Motion for Summary Judgment is GRANTED and plaintiff's causes of action are dismissed in their entirety.

DATED this 16th day of December, 1980.

s/ C. T. Birn
Deputy Clerk, U. S. District Court

Entered on December 16, 1980

APPENDIX C

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

Gordon McLean Campbell, Plaintiff, vs. Washington State Bar Association, Defendant	Affidavit of Kurt M. Bulmer

State of Washington)
) ss.
County of King)

Kurt M. Bulmer, being first duly sworn upon oath, deposes and states: I am General Counsel of the Washington State Bar Association and a custodian of the disciplinary records of that Association as designated by the Board of Governors.

The Disciplinary files of the Washington State Bar Association show that plaintiff Gordon Campbell was brought before a Local Hearing Panel of June 19 and 20

of 1967 on a charge of incompetency to practice law. The panel recommended that (p. 1) plaintiff be put on inactive status.

This matter was referred to the Board of Governors of the Washington State Bar Association on September 9, 1967, and the Board adopted the findings and recommendations of the hearing panel.

The Board referred this matter to the Supreme Court of the State of Washington. That Court heard the matter on June 25, 1968, and found plaintiff to be unable to competently represent clients in legal matters. The Court placed plaintiff on inactive status. This decision is contained in In re Campbell, 74 Wn. 2d 276, 444 P. 2d 784 (1968), cert. denied sub nom. Campbell v. Washington State Bar Association, 394 U. S. 323 (1969), a copy of which is attached to this affidavit for the Court's reference.

The disciplinary files show that the

Washington State Bar Association had no further contact of any kind with Campbell after the date of In re Campbell until 1979, when plaintiff petitioned for reinstatement to active practice.

The disciplinary files show that plaintiff filed a Petition for Reinstatement to the Active Roll of Attorneys of the Washington State Bar Association on July 9, 1979, before the Disciplinary Board. The Disciplinary Board reviewed and considered plaintiff's Petition for Reinstatement on August 3, 1979. The Board ordered no further action on the petition, due to plaintiff's failure to aver any change in his mental condition. The Board Order was dated August 23, 1979. (p. 2)

Finally the disciplinary records show that plaintiff brought suit in the Supreme Court of the State of Washington entitled Gordon McLean Campbell vs. The Disciplinary

Board of the Washington State Bar Association, Washington Supreme Court Cause No. 46438. This suit sought to compel the Disciplinary Board to hold a hearing on plaintiff's petition for reinstatement. The Court entered a Ruling Dismissing Petition of plaintiff on September 23, 1979. Plaintiff filed a Motion to Modify Ruling which was denied by the Washington State Supreme Court on October 12, 1979. Certiorari was denied by the U. S. Supreme Court. _____U. S. _____, 100 S. Ct. 1032 (1980).

I was personally involved in the handling of Campbell's 1979 reinstatement petition. No "surveillance" of Campbell was conducted at any time by the Washington State Bar Association or any of its employees or agents in connection with that petition or otherwise. All contacts and communication with Mr. Campbell were in writing. Since his petition was invalid

on its fact, no investigation whatever was conducted into his mental status or any of his actions, activities, or beliefs.

Attached hereto are true copies of all documents referred to in this affidavit.

s/Kurt M. Bulmer

Kurt M. Bulmer
General Counsel
Washington State Bar
Association (p. 3)

SUBSCRIBED AND SWORN to before me this 25th day of July, 1980.

s/Robert T. Farrell

Notary Public in and for
the State of Washington
residing at Seattle. (p. 4)

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

Gordon McLean Campbell, Plaintiff, vs. Washington State Bar Association, Defendant.	Cause No. C80-772S Affidavit of Kurt M. Bulmer

State of Washington)
) ss.
County of King)

Kurt M. Bulmer, being first duly sworn upon oath, deposes and states:

I am employed as the General Counsel of the Washington State Bar Association and have responsibility for all disciplinary investigations conducted by the Bar Association. I am one of the custodians for the records of that Association.

Gordon McLean Campbell states on pages 1 and 2 of his affidavit to this court that John Kennett, an attorney, (p. 1)

"watched and intimidated" plaintiff at the direction of the defendant commencing in 1966. The records of the Bar Association indicate that attorney John Kennett died on October 17, 1964. Attached is a copy of our record concerning Mr. Kennett's status.

Page eight of plaintiff's affidavit mentions attorney, Phil Wilson. The records of the Bar Association list P. Bruce Wilson as the only member of the Bar Association either living or deceased, who has the name Phil Wilson. Defendant has never hired or directed P. Bruce Wilson to watch plaintiff for any purpose. See attached affidavit of P. Bruce Wilson.

The Washington State Bar Association has never hired or directed any person, including private attorneys or detectives, to conduct any type of surveillance or intimidation of plaintiff.

All contacts and communication that

the Bar Association had with plaintiff in connection with his reinstatement petition, were conducted by mail.

Attached hereto are true copies of all documents referred to in this affidavit.

s/Kurt M. Bulmer

Kurt M. Bulmer

Subscribed and sworn to before me this 23rd day of October, 1980.

s/Robert T. Farrell

Notary Public in and for the State of Washington residing at Seattle (p. 2)

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

Gordon McLean Campbell, Plaintiff, vs. Washington State Bar Association, Defendant.	Cause No. C80-772S Affidavit of Phillip Bruce Wilson

State of Washington)
) ss.
County of King)

P. Bruce Wilson, being first duly sworn upon oath, deposes and states:

I am the Director of the King County Office of Public Defense. I am an attorney licensed to practice law in the State of Washington.

I have never acted as an agent or employee of the Washington State Bar Association. I have never conducted (p. 1) surveillance or intimidation of Gordon M. Campbell nor was I a friend of John Harris. I have never been employed in the insurance business. I do not even know Gordon Campbell, nor have I ever met him or talked to him.

s/P. Bruce Wilson

P. Bruce Wilson

Subscribed and sworn to before me this 3rd day of November, 1980.

s/ James D. Woodward
Notary Public in and for the State of Washington, residing at Issaquah (p. 2)

APPENDIX D

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON

Civil Action, File Number C 80-772S

Gordon McLean Campbell, Plaintiff v. Washington State Bar Association, Defendant	Affidavit of Gordon McLean Campbell

State of Washington)
) ss.
County of King)

Gordon McLean Campbell, being first duly sworn, on oath, deposes and says that he is the plaintiff in the above-entitled action. That during 1964, plaintiff practiced law in Seattle, Washington. That, to the best of plaintiff's knowledge, one John Kennett was a member of the King County Board of Commissioners, in 1964. That, if it was not the Board of Commission-

ers to which he belonged, it was one of the other Councils or Commissions in the King County Courthouse.

That, to the best of plaintiff's knowledge, this John Kennett is not the same John Kennett (alias Lawyer Dahlberg) referred to in plaintiff's first affidavit herein. Plaintiff does not know (p. 1) whether the John Kennett who was a member of the Board of Commissioners was a lawyer or not.

s/ Gordon McLean Campbell

Gordon McLean Campbell

Subscribed and sworn to before me this 10th day of November, 1980.

s/David Huguenin

Notary Public in and for the State of Washington, residing at Bellevue. (p. 2)

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Gordon McLean Campbell,)

Plaintiff-Appellant	)	
	)	CCA No. 81-3020
v.	)	
	)	DC No. C80-772R
Washington State Bar	)	
	)	Affidavit of
Association,	)	
	)	Gordon McLean
Defendant-Appellee	)	
	)	Campbell

State of Washington)
) ss.
County of King)

Gordon McLean Campbell, being first duly sworn, on oath, deposes and says:

That a number of times in the past he has listened to discussions regarding the use of poison gas by the U. S. Army in World War I, 1917-1918; that the discussions mentioned the fact that very frequently when the U. S. Army forces would release poison gas with the intent that it would go over to enemy lines, the wind would immediately reverse and blow the gas back upon the American forces with the result that the U. S. Army was forced to cease the use of poison gas.

That he has read an account of the

heavy Los Angeles smog which stated that it is hard to understand how normal wind currents do not blow the smog out of town as would usually be expected; that it is difficult to understand how the smog hangs in over Los Angeles the way that it does.

That recently he read one of the national newspapers (Midnight, etc.) which headlined an account of how President Gerald Ford had hired some famous psychics to put up a defense barrier against foreign agents who were trying to steal our (p. 1) government secrets by ESP (extra-sensory perception) method.

That recently he read several accounts of how police departments around the U. S. are using psychics to locate missing persons and dead bodies.

That recently he has observed a number of books about ESP for sale about Seattle.

s/ Gordon McLean Campbell

13325 Des Moines Way South

Seattle, Washington 98168

Subscribed and sworn to before me this 15th day of June, 1981.

s/Dolores M. Paulson

Notary Public in and for the State of Washington, residing at Seattle. (p. 2)

Opposition

Office - Supreme Court, U.S.
FILED
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ALEXANDER L. STEVAS,
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

FALL TERM 1981

No. 81-697

GORDON McLEAN CAMPBELL,

PETITIONER,

V.

WASHINGTON STATE BAR ASSOCIATION,

RESPONDENT.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

Leland G. Ripley
Washington State Bar Association
505 Madison Street
Seattle, Washington 98104
206-622-6026

Counsel for Respondent

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QUESTIONS PRESENTED FOR REVIEW

Do the facts of this case raise a question of such imperative public importance to justify certiorari by this Court prior to a decision by the appellate court?

STATEMENT OF THE CASE

Mr. Campbell brought suit against the Washington State Bar Association in U.S. District Court under 42 U.S.C. #1983. Mr. Campbell alleged the Bar Association conducted a campaign of surveillance against him that interfered with his discovery that the air is alive. The District Court granted the Bar Association its Motion for Summary Judgment on December 16, 1980.

On January 9, 1981, Mr. Campbell filed a notice of appeal to the United States Court of Appeals for the Ninth Circuit. Both sides filed briefs but no decision has been entered by that court yet.

ARGUMENT

Mr. Campbell claims that this case is one appropriate for review by the Court prior to an appellate decision based upon Rule 18 of the United States Supreme Court Rules. Mr. Campbell alleges that this case is of such imperative public importance that it warrants deviation from normal appellate procedures.

The only case Mr. Campbell cites in support of his petition for certiorari prior to an appellate decision is Ex Parte Quirin, 317 U.S. 1, 87 L. Ed. 3, 63 S. Ct. 1 (1942). Yet Quirin involved an issue of the war powers in regard to aliens. Certiorari was granted to decide a jurisdictional issue, namely did these German citizens have the right to be heard in civil court. The importance and immediacy of the issues arose because the parties were German citizens charged with sabotage during the Second World War. Their case had already been heard before a military commission but judgment had not been granted

prior to the certiorari petition. Quirin is simply not analogous to the case at hand. There is no jurisdictional issue of immediate importance raised here, nor is there a question of the president's executive powers.

Likewise, other cases in which the Court has granted certiorari under Rule 18 are not applicable here. Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952) concerned the president's authority to operate the steel mills during the Korean War. The court was concerned in that case with the probable damages that would arise from the government's control of the mills. The Youngstown case is hardly analogous to the case at hand.

Nor is United States v. Nixon, 418 U.S. 683 (1974) on point. Certiorari under Rule 18 was granted in Nixon because the Court was concerned with problems that could arise from a president having to act in contempt of a court order before an appeal could be raised. Mr. Campbell's case raises none of these issues

of executive powers nor anything analogous.

Counsel for the Bar Association has not addressed any of the substantive issues because the question presented here is whether or not the Court should grant certiorari at this stage of the proceedings. This case does not fall within Rule 18 and that the substantive issues should be decided by the Court of Appeals.

CONCLUSION

Since Mr. Campbell's petition does not present a case of imperative public importance, this court should not grant certiorari under Rule 18. Respondent, the Washington State Bar Association, respectfully requests that the petition be denied.

Dated this 12th day of November, 1981.

WASHINGTON STATE BAR ASSOCIATION

By /s/
Leland G. Ripley
Counsel for Respondent